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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 104

## **An Act respecting the Institut national des mines**

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### **Introduction**

**Introduced by  
Madam Michelle Courchesne  
Minister of Education, Recreation and Sports**

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## **EXPLANATORY NOTES**

*The object of this bill is to create an institute to be known as the Institut national des mines whose main mission will be to support the Government in its educational responsibilities in the mining sector.*

*The bill sets the rules for the establishment and organization of the institute and particularly for the composition of its board of directors. It also introduces the financial provisions and the reporting rules to which the institute will be subject.*

*Lastly, the bill provides that the Minister of Education, Recreation and Sports must report to the Government seven years after the Act comes into force on the carrying out of the Act and the advisability of maintaining it in force or amending it.*

## **LEGISLATION AMENDED BY THIS BILL:**

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1).

# Bill 104

## AN ACT RESPECTING THE INSTITUT NATIONAL DES MINES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### CHAPTER I

#### ESTABLISHMENT

- 1.** An institute to be known as the “Institut national des mines” is established.
- 2.** The institute is a legal person.
- 3.** The institute is a mandatary of the State.

The property of the institute forms part of the domain of the State, but the execution of its obligations may be levied against its property.

The institute binds none but itself when it acts in its own name.

- 4.** The institute has its head office at the place determined by the Government. A notice of the location or any change of location of the head office is published in the *Gazette officielle du Québec*.

### CHAPTER II

#### MISSION AND FUNCTIONS

- 5.** The institute’s mission is to support the Government in its educational responsibilities in the mining sector. Its mandate includes maximizing workforce training capacity by making optimal use of the means available in accordance with the shared vision of all players in the mining sector, thus helping to improve Québec’s productivity and competitiveness.

More specifically, the institute’s mission is to

(1) co-ordinate actions at each of the various levels of education to meet the training needs of the workforce in the mining sector;

(2) assess current and future training needs in the mining sector and monitor them on an ongoing basis to determine changes in their nature and geographic distribution;

(3) submit proposals to the Minister with a view to updating the training offer; and

(4) participate actively in efforts to promote mining sector trades and professions.

**6.** In the pursuit of its mission, the institute may

(1) with the collaboration, among other bodies, of the Comité sectoriel de main-d'œuvre de l'industrie des mines established under Part III of the Companies Act (R.S.Q., chapter C-38), conduct or commission the studies and research required for a full understanding of the mining sector and for developing the skills required in that sector;

(2) conduct pilot projects and experiments, in particular on the organization of training;

(3) subject to the applicable legislative provisions, enter into an agreement with a government other than that of Québec, with a department of such a government, with an international organization or with a body of such a government or organization;

(4) solicit and receive gifts, legacies, subsidies or other contributions, provided that any attached conditions are consistent with its mission;

(5) establish methods of collaboration with other persons or partnerships in the mining sector; and

(6) carry out any other mandate received from the Minister.

**7.** The institute must give its opinion on any question the Minister submits to it with respect to the fields or subjects within its purview; such opinions may include recommendations.

**8.** Each year on the date set by the Minister, the institute must send a plan of its activities to the Minister along with the related budget. The plan must reflect the policy directions and objectives given the institute by the Minister.

The plan must be in the form and contain the information specified by the Minister.

The plan must be submitted to the Minister for approval.

**9.** The institute must provide any information the Minister requests concerning its activities.

## **CHAPTER III**

### **ORGANIZATION AND OPERATION**

**10.** The institute is administered by a board of directors, composed of 17 members.

The Government appoints 14 members, at least three of whom must come from various regions of Québec, other than the Montréal and Capitale-Nationale regions, and at least one of whom must have accounting or financial expertise. The members include

- (1) one chair;
- (2) one president and chief executive officer;
- (3) eight members appointed after consultation with the areas of secondary, college and university instruction related to the mining sector;
- (4) two members appointed after consultation with the associations of employers in the mining sector;
- (5) one member appointed after consultation with the Comité sectoriel de main-d'œuvre de l'industrie des mines; and
- (6) one member appointed after consultation with the associations of employees in mining-related jobs.

The Deputy Minister of Education, Recreation and Sports, the Deputy Minister of Natural Resources and Wildlife, and the Deputy Minister of Employment and Social Solidarity or the person each Deputy Minister may designate are also members of the board but are not entitled to vote.

**11.** The chair of the board of directors and the president and chief executive officer are appointed for a term of up to five years, and the other Government-appointed directors, for a term of up to three years.

These terms may be renewed.

**12.** On the expiry of their term, the members of the board of directors remain in office until they are replaced or reappointed.

**13.** The chair of the board of directors presides at meetings of the board and sees to its smooth operation.

**14.** The board of directors designates a vice-chair from among its members.

If the chair of the board is absent or unable to act, the vice-chair acts as chair.

**15.** The president and chief executive officer is responsible for the direction and management of the institute within the framework of its by-laws and policies.

The office of president and chief executive officer is a full-time position.

**16.** The board of directors must meet at least four times a year.

It may hold its meetings anywhere in Québec.

The quorum at meetings of the board is the majority of its members.

In the case of a tie vote, the chair has a casting vote.

**17.** The Government determines the remuneration, employee benefits and other conditions of employment of the president and chief executive officer.

The other members of the board receive no remuneration except in the cases, on the conditions and to the extent the Government may determine. They are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties, on the conditions and to the extent determined by the Government.

**18.** The members of the personnel of the institute are appointed in accordance with the staffing plan established by by-law of the institute.

Subject to the provisions of a collective agreement, the institute determines by by-law the standards and scales of remuneration, the employee benefits and the other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.

**19.** The ethical and professional standards defined in sections 4 to 12 of the Public Service Act (R.S.Q., chapter F-3.1.1) and its regulations apply to the members of the institute's personnel.

**20.** The institute may make by-laws for its internal management.

The by-laws may, among other things, establish committees to examine specific issues or facilitate the proper operation of the institute and determine the functions and powers of a committee and the term of office of its members.

Committee members receive no remuneration except in the cases, on the conditions and to the extent determined by the Government. They are entitled, however, to the reimbursement of the expenses incurred in the performance of their duties, on the conditions and to the extent determined by the Government.

## **CHAPTER IV**

### **FINANCIAL PROVISIONS**

**21.** The institute's fiscal year ends on 31 March.

**22.** The Government may, on the conditions it determines,

(1) guarantee payment of the principal and interest on any loan or other obligation contracted by the institute; and

(2) authorize the Minister of Finance to advance to the institute any amount considered necessary to meet its obligations or fulfill its mission.

The sums required for the purposes of this section are taken out of the consolidated revenue fund.

**23.** The sums received by the institute must be applied to the payment of its obligations. Any surplus is retained by the institute unless the Government decides otherwise.

**24.** The institute may not, without the Government's authorization, contract a loan that causes the total of its outstanding loans to exceed the amount determined by the Government.

The Government may make its authorization subject to the conditions it determines.

## **CHAPTER V**

### **DOCUMENTS, ACCOUNTS AND REPORTS**

**25.** No deed or document binds the institute unless it is signed by the chair of the board of directors, the president and chief executive officer of the institute or a member of the personnel, and, in the case of such a member, only to the extent determined by by-law of the institute.

The institute may, on the conditions it determines, allow a required signature to be affixed by means of an automatic device to the documents it determines, or a facsimile of a signature to be engraved, lithographed or printed on them. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair of the board or the president and chief executive officer.

**26.** The minutes of the meetings of the board of directors, approved by the board and certified by the chair or another person authorized by the institute, are authentic, as are documents and copies emanating from the institute or forming part of its records if signed or certified in the same way.

**27.** On or before 31 July each year, the institute must file its financial statements with the Minister, together with a report on its activities for the preceding fiscal year.

The financial statements and the report must contain all the information the Minister may require.

**28.** The Minister must table the financial statements and the report in the National Assembly within 30 days of receiving them or, if the Assembly is not sitting, within 30 days of resumption.

**29.** The books and accounts of the institute are audited by the Auditor General every year and whenever ordered by the Government.

The audit report must accompany the institute's activity report and financial statements.

## **CHAPTER VI**

### **AMENDING AND FINAL PROVISIONS**

**30.** Schedule 2 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by inserting "Institut national des mines" in alphabetical order.

**31.** Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended by inserting "Institut national des mines" in alphabetical order.

**32.** Paragraph 1 of Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by inserting "Institut national des mines" in alphabetical order.

**33.** Paragraph 1 of Schedule II to the Act respecting the Pension Plan of Management Personnel (R.S.Q., chapter R-12.1) is amended by inserting "Institut national des mines" in alphabetical order.

**34.** No later than (*insert the date that is seven years after the date of coming into force of this Act*), the Minister must report to the Government on the carrying out of this Act and the advisability of maintaining it in force or amending it.

The report is to be tabled in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

**35.** The Minister of Education, Recreation and Sports is responsible for the administration of this Act.

**36.** This Act comes into force on the date set by the Government.